S.B. Civil Misc. Appeal No.761/2005

RSRTC vs. Jagdish Chandra and others.

Date : 25.7.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. Arjun Singh for Mr. Sangeet Lodha, for the appellant.

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Heard.

The appellant is aggrieved against the award dated 26.10.2004 passed by Motor Accident Claims Tribunal, Bhilwara in Claim Case No.161/2004 awarding compensation of Rs.90,000/- to the claimants on account of death of one Smt. Chanda Bai.

According to learned counsel for the appellant, Smt. Chanda Bai, though died in the accident, but she died because of her own fault as she wanted to ride the bus when the bus was running.

I have considerd the submissions of learned counsel for the appellant and perused the reasons given in the impugned award.

It is clear from the award that the witness of the appellant himself admitted that the accident was caused by the bus of the appellant. He also admitted that Smt. Chand died in the accident. Assuming for the sake of arguments

that the argument of the learned counsel for the appellant was correct that the Smt. Chand Bai tried to ride the bus when the bus started, then also, it is a clear case of negligence of the driver of the bus who without taking the passengers, started the bus.

IN view of the above, no case is made out for interference in the impugned award. Hence, the appeal is dismissed.

(PRAKASH TATIA), J.

S.Phophaliya